



Order Filed on October 30, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

THE KELLY FIRM, P.C.

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Attorneys for the Trustee, Bunce D. Atkinson, Esq.

In re:

BRIAN W. MEAD,

Debtor.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Case No.: 21-17470-MEH

Hearing Date: October 28, 2024 at 1:00 p.m.

ORDER APPROVING SALE OF 116 HALE AVENUE, WHITE PLAINS, NEW YORK 10605, "AS IS," "WHERE IS," WITH NO WARRANTIES EXPRESS OR IMPLIED AND FREE AND CLEAR OF ALL LIENS CLAIMS AND ENCUMBRANCES, WITH LIENS, CLAIMS AND ENCUMBRANCES TO ATTACH TO PROCEEDS, AUTHORIZING THE TRUSTEE TO EXECUTE ALL CLOSING DOCUMENTS, MAKE DISTRIBUTIONS AND PROVIDING FOR A REPLACEMENT CONTRACT.

The relief set forth on the following page, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: October 30, 2024



Honorable Mark E. Hall
United States Bankruptcy Judge

Page 2 of 4

Debtor:

Brian W. Mead

Case No.:

21-17470

Caption of Order:

ORDER APPROVING SALE OF 116 HALE AVENUE, WHITE PLAINS, NEW YORK 10605, "AS IS," "WHERE IS," WITH NO WARRANTIES EXPRESS OR IMPLIED AND FREE AND CLEAR OF ALL LIENS CLAIMS AND ENCUMBRANCES, WITH LIENS, CLAIMS AND ENCUMBRANCES TO ATTACH TO PROCEEDS, AUTHORIZING THE TRUSTEE TO EXECUTE ALL CLOSING DOCUMENTS, MAKE DISTRIBUTIONS AND PROVIDING FOR A REPLACEMENT CONTRACT.

THIS MATTER having been opened to the Court by The Kelly Firm, P.C., attorneys for the Chapter 7 Trustee, Bunce D. Atkinson (the "Trustee") for the Debtor Estate of Brian W. Mead; and the Court having read and considered the Trustee's Motion and supporting pleadings seeking the entry of the within Order and any timely opposition filed; and the Court having considered the arguments of counsel at the hearing; and it appearing that proper notice and service has been provided and made as demonstrated by the Certification of Service filed with this Court; and for all the terms set forth on the record; and for good cause being shown; it is hereby

ORDERED AS FOLLOWS:

1. The public auction by the Trustee by and through the Court approved auctioneer of the real property located at 116 Hale Avenue, White Plains, New York 10605, a/k/a Block 2, Lot 10 on the Tax Map of the Borough of White Plains (the "Property") in which Elisjon Vacaj, hereinafter "Vacaj", was the successful bidder and the Contract of Sale executed by the Trustee and Vacaj for the sum of \$495,000.00 is approved.
2. The Trustee be and hereby is authorized to execute any and all documents necessary to effectuate the sale of the Property to Vacaj and/or his assigns, including but not limited to a Trustee Deed, Affidavit of Title, and Closing Statement, and to make payment to any Mortgagee for the balance due, and to pay to the City of White Plains any outstanding real estate taxes. The Trustee is also authorized to pay the Auctioneer without further order of

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Debtor:

Brian W. Mead

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the Court, the Auctioneer's 8% commission (\$39,000) based upon the sale price and up to \$2,500 of expenses in accordance with D.N.J. LBR 2016-1.

3. The sale of the Property by the Trustee is "AS IS," "WHERE IS," with no warranties express or implied, including but not limited to warranties of Fitness for a Particular Purpose or for Habitability. The sale is free and clear of all liens, including all judgments of foreclosure, mortgages, real estate tax liens, tax liens, judgments, and encumbrances, with valid liens, claims and encumbrances, to attach to the proceeds of sale.
4. Vacaj is a disinterested person as defined by 11 U.S.C, 363m. and is entitled to all of the protections afforded under the Bankruptcy Code and case law as a disinterested buyer.
5. In the event Vacaj defaults and does not close title when scheduled, the Trustee is authorized to sell the real property to Juana P. Valentin the backup bidder for \$490,000. Except for the purchase price, the contract of sale to any Replacement Buyer shall contain the same terms and conditions as contained in the contract of sale with Vacaj. Upon obtaining such a contract of sale, the Trustee is authorized to submit it to the Court for an order of approval of the sale and contract on five (5) days' notice to parties in interest.
6. Trustee shall advise counsel for the Secured Creditor, U.S. Bank Trust National Association not in its individual capacity but solely as owner Trustee for RCAF Acquisition Trust (the "Secured Creditor"), of the anticipated closing date. On or before the fifth business day prior to the closing date, the Secured Creditor shall provide the Trustee with a payoff letter indicating the amount due and owing on account of its

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Debtor:

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mortgage lien effective for thirty (30) days and provide the address to which the payments should be sent and/or transfer instructions. At closing, the Trustee or the closing agent shall pay the Secured Creditor the amount due and owing on account of its mortgage lien. Upon payment to the Secured Creditor, the mortgage lien shall be deemed satisfied and discharged, and the Secured Creditor shall discharge the mortgage within five (5) business days of receipt of the payoff amount.

In re:
Brian W. Mead
Debtor

Case No. 21-17470-MEH
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Oct 30, 2024

User: admin
Form ID: pdf903

Page 1 of 3
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 01, 2024:

Recip ID	Recipient Name and Address
db	+ Brian W. Mead, 8 Beaver Brook Road, Ridgefield, CT 06877-1004

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 01, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 30, 2024 at the address(es) listed below:

Name	Email Address
Adam G. Rosenberg	on behalf of Defendant Brian W. Mead adam@adamrosenbergesq.com office@adamrosenbergesq.com;rosenberg.adamb126671@notify.bestcase.com
Adam G. Rosenberg	on behalf of Debtor Brian W. Mead adam@adamrosenbergesq.com office@adamrosenbergesq.com;rosenberg.adamb126671@notify.bestcase.com
Alan P. Fox	on behalf of Creditor Inspira Medical Center Inc. afox@capehart.com, whorton@capehart.com
Alan P. Fox	on behalf of Plaintiff Inspira Medical Centers Inc. afox@capehart.com, whorton@capehart.com
Alex Leight	on behalf of Plaintiff Bunce D. Atkinson aleight@kbtlaw.com akelly@kbtlaw.com;ws Sheridan@kbtlaw.com

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Total Noticed: 1

Alex Leight	on behalf of Trustee Bunce Atkinson aleight@kbtlaw.com akelly@kbtlaw.com;wsheridan@kbtlaw.com
Alex Leight	on behalf of Plaintiff Bunce Atkinson aleight@kbtlaw.com akelly@kbtlaw.com;wsheridan@kbtlaw.com
Alexandria Nikolinos	on behalf of U.S. Trustee U.S. Trustee Alexandria.M.Nikolinos@hud.gov
Andrew J. Kelly	on behalf of Attorney The Kelly Firm P.C. akelly@kbtlaw.com, wsheridan@kbtlaw.com;nnorcias@kbtlaw.com;sschwimmer@kbtlaw.com
Andrew J. Kelly	on behalf of Trustee Bunce Atkinson akelly@kbtlaw.com wsheridan@kbtlaw.com;nnorcias@kbtlaw.com;sschwimmer@kbtlaw.com
Andrew J. Kelly	on behalf of Spec. Counsel Alan R. Rosenberg akelly@kbtlaw.com wsheridan@kbtlaw.com;nnorcias@kbtlaw.com;sschwimmer@kbtlaw.com
Andrew J. Kelly	on behalf of Plaintiff Bunce Atkinson akelly@kbtlaw.com wsheridan@kbtlaw.com;nnorcias@kbtlaw.com;sschwimmer@kbtlaw.com
Anne S. Cantwell	on behalf of Mediator Anne S. Cantwell (Mediator) ACantwell@shermansilverstein.com fmcallister@shermansilverstein.com;jbaugh@shermansilverstein.com
Brian W. Hofmeister	on behalf of Mediator Brian W. Hofmeister bwh@hofmeisterfirm.com j119@ecfcbis.com
Bunce Atkinson	on behalf of Trustee Bunce Atkinson bunceatkinson@aol.com NJ09@ecfcbis.com,maraujo@atkinsondebartolo.org,atkinson@remote7solutions.com
Bunce Atkinson	bunceatkinson@aol.com NJ09@ecfcbis.com,maraujo@atkinsondebartolo.org,atkinson@remote7solutions.com
David L. Stevens	on behalf of Attorney Scura Wigfield, Heyer, Stevens & Cammarota, LLP dstevens@scura.com, dstevens@scura.com;ecfbkfilings@scuramealey.com;pevangelista@scura.com;amurphy@scura.com;vmajano@scura.com;jromero@scura.com;spereyra@scura.com;14518@notices.nextchapterbk.com;dwoody@scura.com;wjames@scura
Denise E. Carlon	on behalf of Creditor MEB Loan Trust VII dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
John P. Lacey	on behalf of Creditor Barnabas Health Inc. jlacey@connellfoley.com
Karina Pia Lucid	on behalf of Defendant Brian W. Mead klucid@karinalucidlaw.com 15020@notices.nextchapterbk.com;admin@karinalucidlaw.com
Keith A. Bonchi	on behalf of Creditor Brenda Pearson keith@gmslaw.com
Keith A. Bonchi	on behalf of Creditor Brian Eklund keith@gmslaw.com
Kenneth Borger, Jr	on behalf of Creditor U.S. BANK TRUST NATIONAL ASSOCIATION kborker@raslg.com
Kimberly A. Wilson	on behalf of Creditor U.S. BANK TRUST NATIONAL ASSOCIATION kimwilson@raslg.com
Margaret Mcgee	on behalf of U.S. Trustee U.S. Trustee maggie.mcgee@usdoj.gov
Michael A. Artis	on behalf of U.S. Trustee U.S. Trustee michael.a.artis@usdoj.gov
Michael A. Artis	on behalf of U.S. Trustee United States Trustee michael.a.artis@usdoj.gov
Nicholas Norcia	on behalf of Trustee Bunce Atkinson nnorcias@kbtlaw.com akelly@kbtlaw.com;wsheridan@kbtlaw.com;sschwimmer@kbtlaw.com
Philip William Allogramento	on behalf of Creditor Barnabas Health Inc. pallogramento@connellfoley.com, mcaggiano@connellfoley.com
Philip William Allogramento	

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on behalf of Plaintiff Barnabas Health Inc. pallogramento@connellfoley.com, mcaggiano@connellfoley.com

Phillip Andrew Raymond

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akelly@kbtlaw.com;nnorcia@kbtlaw.com;wsheidan@kbtlaw.com

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akelly@kbtlaw.com;nnorcia@kbtlaw.com;wsheidan@kbtlaw.com

Travis Graga

on behalf of Trustee Bunce Atkinson trgraga@norris-law.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

United States Trustee

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William G. Wright

on behalf of Creditor Inspira Medical Center Inc. wwright@capehart.com, jlafferty@capehart.com

William G. Wright

on behalf of Defendant Inspira Medical Centers Inc. wwright@capehart.com, jlafferty@capehart.com

TOTAL: 40